



Town of New Windsor

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OFFICE OF THE PLANNING BOARD
WEDNESDAY -- SEPTEMBER 26, 2007 - 7:30 PM
TENTATIVE AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES DATED:

- a. **WALTER'S MOBILE HOME PARK**

PUBLIC HEARINGS:

1. **JOHN PIZZO SITE PLAN (05-32) RT. 300 & LITTLE BRITAIN ROAD (SHAW)**
Proposed office building.

REGULAR ITEMS:

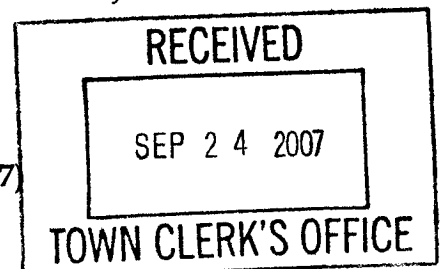
2. **NORTH PLANK DEVELOPMENT CORP. (07-21) RT. 300 (SHAW)** Proposed construction of a 12,000 sf building for retail/office and warehouse.
3. **UNITED RENTALS, INC. (07-27) WINDSOR HIGHWAY (SHAW)** Proposed construction of a 4,800 sf building w/4 bays and 1 wash bay.
4. **BLUE RHINO/ FERRELL GAS SITE PLAN (07-24) RUSCITTI ROAD (RAAB)**
Proposed propane gas distribution
5. **RUTHIE'S SOUL RESTAURANT S.P. (07-26) WINDSOR HIGHWAY (JOHNSON)** Proposed conversion of warehouse to restaurant.
6. **LOMBARDI/VINCENZO SUBDIVISION (07-02) LAWRENCE AVENUE -**
Proposed two lot residential subdivision.

DISCUSSION:

7. **REFERRALS FROM TOWN BOARD - SENIOR HOUSING PROJECTS**

ADJOURNMENT

(NEXT MEETING - OCTOBER 10, 2007)



September 26, 2007

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TOWN OF NEW WINDSOR

PLANNING BOARD

SEPTEMBER 26, 2007

MEMBERS PRESENT: JERRY ARGENIO, CHAIRMAN
NEIL SCHLESINGER
HOWARD BROWN
DANIEL GALLAGHER

ALTERNATE: HENRY SCHEIBLE

ALSO PRESENT: MARK EDSALL, P.E.
PLANNING BOARD ENGINEER

MYRA MASON
PLANNING BOARD SECRETARY

DOMINIC CORDISCO, ESQ.
PLANNING BOARD ATTORNEY

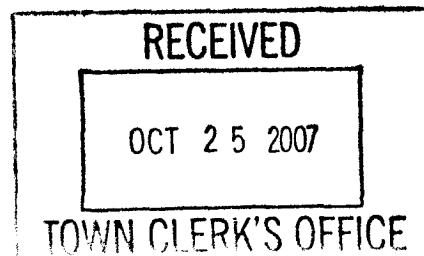
ABSENT: HENRY VAN LEEUWEN

MICHAEL BABCOCK
BUILDING INSPECTOR

REGULAR MEETING:

MR. ARGENIO: I'd like to call to order the September 26, 2007 meeting of the New Windsor Planning Board. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)



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MR. ARGENTIO: Our town building inspector had major lower GI surgery today and I'm happy to tell everybody that the surgery went very well and we're certainly all thrilled with that. We're all glad for that.

WALTER'S_MOBILE_HOME_PARK

MR. ARGENIO: We have first item Walter's Mobile Home Park. Is somebody here to represent this? Can I have your name and your address, sir, please?

MR. DANTAS: Allen Dantas, 958 Little Britain Road.

MR. ARGENIO: I have a paper here from the fire inspector's office that shows no issues at that trailer mark park. Are you aware of any issues?

MR. EDSALL: Historically in my 20 plus years here I have always had positive reports.

MR. ARGENIO: Do you have a check in favor of the town for \$435?

MR. DANATA: Yes.

MR. ARGENIO: Having said that, if there's no further discussion, I'll accept a motion that we offer them a one year extension for Walter's Mobile Home Park.

MR. SCHLESINGER: So moved.

MR. GALLAGHER: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Thank you, sir, we'll see you in one year and it's nice that you keep a neat place.

Actually, you know what, Henry, would you please come up? Let the record reflect that Mr. Van Leeuwen

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is not here and I have asked Mr. Scheible to come up to the dais and take his spot.

PUBLIC_HEARINGS:

JOHN_PIZZO_SITE_PLAN_(07-32)

MR. ARGENIO: Next is John Pizza site plan.

Mr. Gregory Shaw of Shaw Engineering and Mr. Anthony Coppola appeared before the board for this proposal.

MR. ARGENIO: I see Mr. Shaw coming up. Greg, you're certainly familiar with the routine here, if you can give us a quick overview of this Shaw.

MR. SHAW: Briefly if I can.

MR. ARGENIO: Application proposes development of 3,300 square foot building, office building on the triangular parcel over near Helmer's property. This application was previously reviewed at the 10 May, 2006, 14 March, 2007 planning board meetings. And we're here for a public hearing. Greg, give us a quick overview and then I'd like to open it up to the public and get some input from them and then we'll review it again as a board.

MR. SHAW: As you said, it's a 3,300 square foot office building in a PO zone situated on 8/10 of an acre. Very early on in the preparation of this plan, we were forced to go to the ZBA to get variances for front yard setback. This piece is quite unique in that it has three front yards and only front yards, so with that, we petitioned and we received our variances in November, 2006. Following that--

MR. ARGENIO: What were the variances exactly?

MR. SHAW: For three front yard setbacks in the, look in the zone schedule, excuse me, four variances, one for minimum lot area, even though that's a pre-existing non-conforming condition, then eight foot on Temple

Hill Road, 15 feet again front yard on New York State Route 207 and finally a foot on Little Britain Road.

MR. ARGENIO: I also see that you received a variance for the width of your fire lanes?

MR. SHAW: That basically followed receiving of the variances. After that, we met with the DOT and we submitted to them our drainage study cause we're going to be providing underground detention to collect the storm water and detain it and they pretty much, well, they did, they blessed the highway entrance where it's presently located. Again, we have to file the formal documents for the permit but both the drainage and highway entrance were found to be acceptable. When we returned back to the planning board at the last time there were some issues with respect to the fire inspector's office, they had two comments the comments one was that we did not have 30 feet in front of the building which was in accordance with the town's local code. And at that point, we petitioned and got a variance for that. The second issue was that they did not have room to take a vehicle and turn it around on the site, they needed a second access out of the site so we in turn designed the slip lane onto Route 207 one way to exit the parking lot.

MR. ARGENIO: Left turn only?

MR. SHAW: Yes. And then we had to return back to the DOT to find out if that would be permitted by them. In talking to Glen Boucher, he stated that it would be, again, we have to file the documents for the permit but at least I can represent to the board that the DOT has looked at these two entrances and will permit them if satisfactory documentation is submitted. Other than that, we're obligated to provide 22 parking spaces for the 3,300 square foot office building, we're providing 34 and we're before you tonight for conditional site plan approval cause we believe we have met all the

conditions of the town and the other involved agencies.
Thank you.

MR. ARGENIO: On the 12th day of September, 2007, four addressed envelopes went out with the notice of public hearing for this application. If there's anybody here in the audience who'd like to speak for or against this application, would you please raise your hand, be recognized and you'll be afforded an opportunity to speak. As I don't see any hands, I'll accept a motion that we close the public hearing at this time.

MR. BROWN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for the Pizzo site plan on 207 and 300. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to open it up to the board now for them to review it. We did talk about the drainage quite extensively, Greg, as I recall we talked about the underground storage and you needing the capacity of underground storage. While the board members take a look at the plan, I'm going to attempt to get into a couple of procedural things here. If anybody deems appropriate at this time, I'll accept a motion we declare a negative dec under the SEQRA process for this application.

MR. SCHLESINGER: Make a motion we declare negative dec.

MR. ARGENIO: Did we do lead agency?

MR. EDSALL: You took lead agency on March 14.

MR. ARGENIO: So we can do the negative dec. I'll accept a motion.

MR. SCHLESINGER: Motion made.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec on the Pizzo subdivision. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Guys, take your time, take a look at it, it's an important piece in the town, it's certainly high visibility. Greg, what's the dumpster enclosure made out of? I know we had a discussion about it, what's the dumpster enclosure made of? I think Mr. Van Leeuwen brought that up at the last time you were here, just refresh our recollection, please.

MR. SHAW: What happened was you're right, it was brought up by the board and in dealing with this issue, I spoke to Anthony Coppola who's the project architect

on it, the best way to address it, matter of fact, it was a suggestion by your engineer that maybe the face of the refuse enclosure could be made out of the brick, similar to the brick of the building so it would blend into the building and we could use the face of the wall that's exposed to the highway as a place to put our signage of the professional building. So that's what it's going to be, it's going to be a refuse enclosure where the gates of the refuse enclosure will face the front door, the sides and the back of the refuse enclosure which will be brick faced will face the highways and it's an opportunity to put some, also use the back side that has the signage.

MR. ARGENIO: Guys, I'm going to pass around to you Anthony has done some architectural on this.

MR. COPPOLA: Let me make sure, it was a while ago.

MR. ARGENIO: Don't make me pass it around and have it not be accurate.

MR. SHAW: Here's a blowup of the architectural.

MR. ARGENIO: I have colored, pass them over, Henry.

MR. GALLAGHER: Greg, the bushes that are around the perimeter, are those little guys?

MR. SHAW: Yes, they are going to probably be 24, 20, 30 inches maximum height.

MR. ARGENIO: This was referred to DOT on 3/12 of 2007. We're now banging the door on October, it would certainly seem to me that it is adequate time to get something from them. Greg or Mark, can you shed some light on that for me please?

MR. SHAW: We did get something in writing, in fact, they wrote me a letter and cc'd the planning board with

respect to the secondary exit over to Route 207.

MR. EDSALL: Mr. Chairman, since I wrote that comment, Myra provided me a--

MR. ARGENIO: I do have a letter, I'm going to paraphrase here a bit. Actually, the department agrees with the access locations as shown. The applicant should be directed to contact the department, local permit inspector to initiate detailed review process. I agree with that, I agree with those locations. Neil, what do you think about that? I think that's good where he's got those ingress egress.

MR. SCHLESINGER: Anything's better than what's there now and number two, there's no way of getting around the site because every place you go you're looking at it.

MR. SHAW: It's very visual, that's why my client decided to do it in brick, sometimes it's more attractive than a stucco finish or stow finish.

MR. SCHLESINGER: One handicapped parking space?

MR. SHAW: Yes.

MR. SCHLESINGER: That's all we need?

MR. SHAW: That's all we need.

MR. ARGENIO: Mark, you have a letter from county which we don't have here. I would like you to comment on the content of that letter please if you would.

MR. EDSALL: I'll paraphrase rather than--

MR. ARGENIO: Paraphrasing your own words, there's a couple of bullets, guys, it came in late, that's why we don't have it. Mark, please paraphrase and comment on

this letter if you would.

MR. EDSALL: They provided two comments, the first comment just information that it's a 3,300 square foot office building which you know. Comment two deals with four bulleted items. The first bulleted item comments on the location of the curb cuts to the state highway and they are suggesting that they be moved further away from intersections.

MR. ARGENIO: Let me cut you off. The state's approved this from what I have here.

MR. EDSALL: It's the state's jurisdiction, they have approved it.

MR. ARGENIO: That's the end of that.

MR. EDSALL: But even more to the point the ending commenting sentence in that bullet says as a result there will be increased conflicts and potential for accidents between vehicles turning into and out of the proposed gas station.

MR. ARGENIO: What gas station?

MR. EDSALL: They must be at the wrong location so they're thinking of someplace else and vehicles maneuver through the nearby intersection so there's no gas station within miles of this. So that comment makes no sense. The second comment deals with the fact that they're commenting on what they're calling the over use of the property.

MR. ARGENIO: Over use?

MR. EDSALL: They're suggesting that we require that the applicant not use the site for what they want, make them use it for something different.

MR. ARGENIO: Applicant has is a right to use the site for a lawful use permitted in the code in my estimation.

MR. EDSALL: That's my understanding and just for--

MR. SCHLESINGER: They're talking about a wrong site, that the rest of the comments are related to the wrong site.

MR. EDSALL: No because they're referencing the 3,300 square foot building, it's almost like they mixed sites. Just a clarification, the plan proposes around 53 percent development coverage, the number that's in the code shows 20 percent which has been a typo that we have dealt with for years. There's not a commercial site in the town that's restricted to 20 percent that's residential. When we sent it to the ZBA we did in fact reference the numbers so that they would either have to verify that there was in fact a typo or grant them the variance if they don't agree that it is a typo. So they apparently deal with it one way or another. Mr. Babcock told me it's a typo so I want that in the minutes.

MR. ARGENIO: Continue.

MR. EDSALL: So I guess if you think 53 percent development is over use, so be it. The third bullet is suggesting that there be more extensive landscaping to buffer the parking areas. I don't know how you're buffering from, there's three highways surrounding it and in fact, I think if you put too much buffer landscaping you'll obstruct site distances and it could become a hazard so I don't--

MR. ARGENIO: Is that it?

MR. EDSALL: So I don't know if that's appropriate for this site. And then they're saying that the last

bullet is dealing with the fact that this is in a high volume traffic area and they're commenting that more commercial activity, this is proposed as an office, it's not retail commercial, it's an office, can only increase congestion and they should be required to submit a traffic impact study which I think is really under the purview of the State DOT if they didn't think the road system--

MR. ARGENIO: It's a 3,300 square foot building here. You know what, I'm surprised, I'm kind of surprised quite frankly, Mr. Shaw, that the state didn't endeavor to have you folks relocate Flannery's driveway across the street from your driveway, kind of surprises me. That's okay, I don't think there's a tremendous amount of traffic at the animal hospital and I don't think your 3,300 square foot office building is going to generate a phenomenal amount of traffic. It will certainly generate traffic but I don't think it's excessive.

MR. SHAW: I think if the building was retail you could say you anticipate people leaving Flannery and cutting across the street but it's office and the chances of that happening are probably remote and they're separated by a reasonable distance.

MR. ARGENIO: I agree.

MR. EDSALL: The other issue Mr. Chairman is that you're only 250 foot from a stop light at a 90 degree T-turn, so the traffic is slowing down through that stretch.

MR. ARGENIO: Understood. We don't have 50 mile an hour traffic buzzing passed there.

MR. EDSALL: Exactly.

MR. CORDISCO: Mr. Chairman, the county has recommended

approval subject to their bulleted points, so if the board was to disagree with those points, the board would have to do so by a super majority vote.

MR. ARGENIO: Well, I'll pole the board. I mean, I think that gas station point, I don't think that their points are good points relative to this site. Neil or Howard?

MR. BROWN: Is there any way we can get clarification that they mixed up the locations?

MR. ARGENIO: Well, even if you dismiss that, Howard, take the points and consider them as points that are directed at this site plan. I don't know how, I don't think I agree with them, you know, you guys can certainly voice your opinion. I mean, there's no gas station there, I think the landscaping is okay, I think Mark brings up a good point that you wouldn't want too much landscaping there because it's going to obstruct the view. Danny?

MR. GALLAGHER: I think everything is good with what, you have to work with, I mean, like you were saying, we don't want to block anymore views with landscaping.

MR. ARGENIO: And this parcel has been a parcel that nobody's been able to make work for years and years and years and it gets overgrown and gets mowed and I certainly would like to see something here and especially the renderings that I saw here that Anthony did a beautiful job, it's a gorgeous brick face building and I think it is certainly a step above the building that's across the street in my estimation.

MR. SCHEIBLE: Which one?

MR. ARGENIO: The one at Helmer's.

MR. SCHEIBLE: I've been looking at this piece of

property for the last 60 years, as long as I've been alive and I always said the only salvation for this piece of property would have been elimination of the one way to 207 which according to what you were just telling me this will never happen, it's hill unlikely today but I think and then this, I know I'm coming here late in the game, I just, this Temple Hill Road when you go up here dollars to donuts that's got to be widened some day, we all know that's going to happen.

MR. ARGENIO: Along with the bridge to the Thruway, the whole package way out to the airport.

MR. SCHEIBLE: That's bound to happen one of these days and that's, I hate to see that problem come up some time down the road where you have to reassess this whole piece of property here. But this whole piece up here with the one way on Route 207 if that could have ever have been eliminated, it's a traffic mess when you come up, when you hit Temple Hill Road and Route 300 right but there's, I guess that won't happen in the near future so--

MR. ARGENIO: Dominic, do we need to have a motion to vote on that?

MR. CORDISCO: Well, I think it's just that if you move to approve the site plan tonight you should do so by a super majority vote. The thing is is that the county in the past they have either taken three steps, either they recommended approval or they recommended denial or they said it's up to local determination. Lately the county has been making these comments that are effectively subject to and said it's approved but subject to accommodating these comments that they have. Now I don't know how you would accommodate a comment regarding the over use of the site, I mean, you know, it's so subjective that it's not, you know--

MR. ARGENIO: Which we have dealt with before with the

county, just totally subjective, generic, blank comments that there really is no good answer.

MR. CORDISCO: So the only other alternative is to override the county's comments which must be done by a super majority.

MR. ARGENIO: That can be done in the form of a motion and vote.

MR. SCHLESINGER: One more comment, Howard brought up a good point, I don't know whether this is in the historical district or not. If it's in the historic district, I think renderings are fine with me so just to bring it up for the record number one, the renderings are fine with me and, you know, this is such a visible site as we discussed, nice big flag pole in the historic area. I don't, unless I'm missing it.

MR. SHAW: No, you're right, on the first meeting before this board let us know very simply that this is a historic zone and you wanted something special with respect to architecture. That's why we have the brick.

MR. SCHLESINGER: No, that's fine, but I didn't see a flag pole and you're entering this area here, let's make it as historic as we can.

MR. ARGENIO: Am I missing anything else, Mark, here with this applicant?

MR. EDSALL: No, I think Mr. Schlesinger's comment is well placed into the minutes. You have already closed SEQRA and we have, I think we've done all we can other than consider, if the board cares to make an approval.

MR. ARGENIO: If somebody considers it appropriate, I'll accept a motion that we offer final approval. Greg, there's a flag pole here?

MR. SHAW: Yes.

MR. ARGENIO: I'll accept a motion that we offer final approval to the Pizzo site plan subject to bond estimate being submitted.

MR. SCHLESINGER: Make the motion for final approval in the John Pizzo site plan subject to bond estimate.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board approve the Pizzo site plan on 207, 300. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: There's your super majority. As such, we have overridden the comments made by the county. Mr. Shaw, good luck to you.

REGULAR_ITEMS:

NORTH_PLANK_DEVELOPMENT_CORP._ (07-21)

MR. ARGENIO: Regular items, North Plank Development Corporation site plan. This application proposes construction of 12,000 square foot building for retail office and warehouse use. The plan was previously reviewed at the 8 August, 2007 planning board meeting. I asked Mark to insert comment number one which I'm going to read for the benefit of cause I want it in the record and I want to read it for the benefit of the audience. For informational purposes note that the original site plan number 04-34 had a public hearing on 2/23 of '07, such plan including two buildings, two buildings on the site. The application was reviewed at a total of four separate meetings and was approved in final form that's with two buildings.

MR. EDSALL: No, the final plan had one building.

MR. ARGENIO: I'm sorry, final form with one building on 2/28 of '07 with one of the buildings removed, correct? Addition of the second building is being noted as added back as part of this amendment application. Overall there's approximately 10% more total square footage with this plan. So Mark, the original application had how many buildings?

MR. EDSALL: Two.

MR. ARGENIO: And it was approved with?

MR. EDSALL: With one.

MR. ARGENIO: And now for whatever reason I would assume, Mark, correct me if I'm wrong, market forces now they want to do the second building?

MR. SHAW: Correct.

MR. EDSALL: Keep in mind the public hearing meeting on 04-34 covered both buildings, the SWPPP covered the whole site with both buildings so they're back to where they were.

MR. ARGENIO: Mr. Lease can't decide what he wants to do but that's okay. He's got a lot of procedural things behind him. Greg, go ahead, tell us what we're doing.

MR. SHAW: Very simply, I'll just spend a minute and tell you what the board approved in the earlier part of this year. You approved the building number one which is closest to the highway, the parking in the front, the drive, the aisle in the back, the parking in the back of building number one and the storm water detention pond. That was part of planning board project number 04-34. What we were basically asking the board to approve in this application is that portion of the site which is between the end of retail building number one and the water quality pond and that area as you can see is shaded on drawing number one and it consists of a 12,000 square foot building which would be for retail and office use and also warehouse. Now we have the word retail in there, all right, and the reason we put the word retail in there is cause it has the same parking requirement as office but from a practical point of view we don't see that happening. Obviously, the front building is going to be, you know, prime retail space that will be retail. The secondary building is going to be a combination of what they call a flex building, a small office that may be for an electrical contractor and majority of the suite will be storage. There will be an overhead door in the rear of the building where he can bring a truck in to load up his parts and take off. So again, it's really office and warehouse and we put the word retail in there, who knows, maybe somebody will come in and want to take a piece of it, but we really don't anticipate it.

Parking will be in the front and then the side of the building and then--

MR. ARGENIO: Did you meet your numbers on your parking and everything, Greg, and coverage?

MR. SHAW: Okay, with respect to development coverage we're allowed 85 percent and we have 57.7 percent. With respect to parking for the entire project we're obligated to provide 103 spaces, we're providing 105, all right, and that's based on the retail building number one being 100 percent retail and retail, excuse me, building number two which is the building before you 7,500 square feet would be retail/office and the remaining 4,500 square feet would be warehouse. That's just based on our projections. What's going to happen is those numbers will float, okay, dependent upon who decides they're going to rent out any space in this building, maybe they want a little bit more office, maybe a little less warehouse, that would just affect the tenancy as the building continued to be rented out.

MR. ARGENIO: How wide is the concrete walk in front of building one?

MR. SHAW: What you have is a 6 foot wide sidewalk and a 4 foot planter area in front of the building.

MR. ARGENIO: Greg, I don't see that, I see a couple little block-outs.

MR. SHAW: No, that was approved, this is the building that's before you.

MR. ARGENIO: They have not built this?

MR. SHAW: That's under construction now, this is under construction and this is under construction.

MR. ARGENIO: So you have a 6 foot walk and a 4 foot

landscaped area?

MR. SHAW: Yes.

MR. SCHEIBLE: This was brought up before on the overhead doors, overhead doors, warehouse brought up the last time, I want to reiterate you have a 50 foot side clearance on that side there, right?

MR. SHAW: Yes.

MR. SCHEIBLE: Is there any specific up to this point who's going to be occupying this building?

MR. SHAW: No.

MR. SCHEIBLE: Only reason I'm bringing that up is because a 50 foot--

MR. ARGENIO: That's the setback that's not even paved.

MR. SCHEIBLE: Thirty foot, let me go back further, what kind of truck can ever make a delivery there?

MR. SHAW: We're not talking about tractor trailers, we're talking about van trucks.

MR. SCHEIBLE: You said you don't even know what the plans will be?

MR. SHAW: What I'm saying is I don't know who the tenants are but by virtue of the fact of not being able to bring in tractor trailers they're going to limit who they're going to be able to rent to because of that. The only thing you're going to be able to bring in here are small van trucks, something the size of a UPS truck, Federal Express truck, no tractor trailers, we don't have room to maneuver them.

MR. COPPOLA: There's no loading dock either?

MR. ARGENIO: That's their hardship.

MR. GALLAGHER: Dunkin Donuts does too but they squeeze that tractor trailer in.

MR. SCHEIBLE: You've got loading docks on the other end, on the other side I mean.

MR. SHAW: They're not loading docks, just overhead doors, not loading docks, they're at grade.

MR. ARGENIO: Henry brings up a good point in the landscaped area, what are the little boxes that you have boxed out in the landscaped area?

MR. SHAW: Those are wall packs.

MR. ARGENIO: That's lighting?

MR. SHAW: Correct, those are wall packs.

MR. ARGENIO: We have a lighting plan with the foot candle values?

MR. SHAW: I believe last time we were before this board you referred it out to the county and I believe you have--

MR. ARGENIO: Mark, do you have the letter from the county?

MR. EDSALL: Yes, we do.

MR. ARGENIO: Why don't we have it in our packet?

MR. EDSALL: It just came.

MR. CORDISCO: Just came today.

MR. ARGENIO: Would you do the same thing for us with the county that you did on the other one?

MR. EDSALL: This one's a little simpler.

MR. ARGENIO: Read number one.

MR. EDSALL: They're commenting that it appears to be consistent with the county comprehensive plan and local laws which is good news. The second comment is suggesting that there be a safe crossing for pedestrians between the two, I assume they mean two buildings, such as a crosswalk, I'm sure it can be considered but again, it's an interior parking lot.

MR. ARGENIO: I don't think that's such a ridiculous request, not talking about a gas station that doesn't exist but go ahead, Mark.

MR. EDSALL: I just don't know based on the fact from curb to curb they have filled it with parking spaces.

MR. ARGENIO: What they're suggesting, guys, is some kind of a crosswalk between the two buildings, so if people want to travel from one to the other there's a safe passage. Go ahead, Mark, what's the next item?

MR. EDSALL: They're commenting about providing, having provisions for access management and they're talking about a providing connections with adjoining commercial use properties.

MR. ARGENIO: That would be to the back of the Strober King building or to the tin wall of the Fall Fittings building.

MR. SHAW: Or both.

MR. ARGENIO: I don't, is that reasonable? What do you guys think?

MR. GALLAGHER: Looking for access points.

MR. ARGENIO: From one lot to the other from these two, this lot to either Fall Fittings to the north and/or Strober King to the south. Mark, am I reading that correct?

MR. EDSALL: I think you're reading it correct and I agree with them a hundred percent, if they were two identical uses with similarly located buildings where you could adjoin parking lots or access aisles but you've got dissimilar uses you've got a construction manufacturing facility and warehouse that has heavy truck traffic and you've got a building contractors warehouse that gets heavy truck traffic, I don't know that we want to mix that with this site even if we could and I don't think you can.

MR. ARGENIO: I agree with that but we'll ask the board members. What's the last thing?

MR. EDSALL: The last comment is they're basically saying that they recommend that the planning board proceed with its review process but they're making their approvals subject to comments 2 and 3 which we discussed.

MR. ARGENIO: Let me consult my contemporaries. What do you guys thing about linking the two lots?

MR. GALLAGHER: No.

MR. SCHLESINGER: No.

MR. ARGENIO: I think it's ridiculous. Do you agree, Hank?

MR. SCHEIBLE: I agree.

MR. ARGENIO: Mark says they're not even close if they had a retail building on either said maybe it makes sense.

MR. SCHLESINGER: I'm on the other side of Fall Fittings, you know, he doesn't--

MR. ARGENIO: Would you want yourself linked to Fall Fittings?

MR. SCHLESINGER: To have their trucks driving through my lot, no.

MR. SCHEIBLE: There's a deli up the street but we'd have to walk out on the street if there's no sidewalks if we want to get to the deli.

MR. SCHLESINGER: That's important, there's a deli there.

MR. ARGENIO: What about the comment about linking the two buildings with some type of pedestrian affair?

MR. SCHLESINGER: Two different uses.

MR. SHAW: That's the answer.

MR. ARGENIO: Retail spelled in different ways from building to building. Greg, I see retail on building two and building one.

MR. SHAW: Well, if you take a look at the floor plan, architectural of the building, they're really not geared for retail use. So I really don't see somebody who would be stopping at retail building number one wanting to walk back there cause there's really nothing at this point to walk back to.

MR. ARGENIO: You have a point, looks like the second building the tenant is probably Airborne or DHL or UPS.

MR. SHAW: Electrical, plumbing supply building.

MR. ARGENIO: Howard, do you have any thoughts on it?

MR. BROWN: No.

MR. ARGENIO: You don't think it's necessary?

MR. BROWN: No.

MR. GALLAGHER: No, I don't think it's necessary.

MR. ARGENIO: I'll go with you guys.

MR. EDSALL: Mr. Chairman, just more fodder to the shot here, the distance that we're asking people to walk without a sidewalk is 25 feet the crossing and aisle of a parking lot.

MR. ARGENIO: If they can't do that they shouldn't be allowed to walk by themselves.

MR. EDSALL: That's identical to every other outside parking space on the site which you have to cross 25 feet.

MR. ARGENIO: Okay, I'll stop beating me up.

MR. EDSALL: Not beating you up, just making the record clear.

MR. ARGENIO: Greg, the building sprinklered, yes?

MR. SHAW: Absolutely, it's over 5,000 square feet.

MR. ARGENIO: Yeah, actually I should of read it, you have a comment here from Barney Bedetti, warehouse office will require sprinkler systems.

MR. SHAW: Building number one is under construction, the water and sewer have already been brought on the site, building number one being sprinklered, the water main is just going to extend back and sprinkler building number two.

MR. ARGENIO: Greg, on your pond in the back did you construct the original pond based on two buildings or is this going to require you to expand the size or the capacity of the pond?

MR. SHAW: When I prepared the storm water pollution prevention plan for building number one, it was based on the total build out of the site.

MR. ARGENIO: You built it big enough for both?

MR. SHAW: Absolutely, there's no other work that has to be done, it's large enough.

MR. ARGENIO: I will accept a motion. Did we take lead agency?

MR. EDSALL: You did on August 8.

MR. ARGENIO: Anybody feels it's appropriate, I will accept a motion that we declare a negative dec on North Plank Development.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare negative dec under New York State SEQRA process for North Plank Development. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER AYE
MR. BROWN AYE
MR. SCHLESINGER AYE
MR. GALLAGHER AYE
MR. ARGENIO AYE

MR. ARGENIO: Does anybody have anything else?

MR. SCHEIBLE: Can I just see that a minute again?

MR. SCHLESINGER: Greg, did you consider the size of your dumpster area? I know that the building up front is retail but comparative to the size of the building I think you need a bigger dumpster area, no?

MR. SHAW: What happens because a portion of the building at least 4,500 square feet is going to be warehouse it's going to be all inside storage.

MR. SCHLESINGER: Storage?

MR. SHAW: Yeah, if you have anything to store, I'm talking refuse, you'll be storing your refuse inside the building so it's not as if we have to have a massive refuse enclosure because we expect a lot of trash.

MR. SCHLESINGER: Storing refuse inside? I don't know what you mean.

MR. SHAW: If you have refuse to go out rather than putting a dumpster, you would just leave it inside your facility.

MR. SCHLESINGER: Who'd pick it up?

MR. SHAW: It would have to be private, you have to get a private cater and at that point you bring it outside the overhead door and have it picked up.

MR. ARGENIO: Neil, they have separate dumpster enclosures from one building to the other, that's one of the notes I wrote here.

MR. SCHLESINGER: I don't see that.

MR. ARGENIO: There's one in the front.

MR. SCHLESINGER: No, the, no, each building has a separate dumpster but what I'm saying I think I don't have a ruler, I'm not measuring, but both of the dumpster areas are about the same size, there's a retail store up front which, you know, it's going to have more of a significant amount of garbage but we don't know how who is going to rent the back building, you know, we don't know how much garbage, just a question on the size of the dumpster.

MR. ARGENIO: Mark, do you think there's an issue?

MR. EDSALL: No, to be honest with you, what we have done with the board's previous authorization if after there are specific users that are scheduled to come in if they ask to widen the dumpster enclosure again we take care of that as a field change so we don't have garbage running around the site.

MR. ARGENIO: If you do have garbage running around the site, Mike jumps them, he gets on their behind.

MR. EDSALL: Then they expand it then.

MR. SHAW: And the refuse enclosure both of them are 18 feet long by 6 feet wide which is pretty good dimensions and the reason they're both same size is that I only have so many details for refuse enclosures so I put the bigger one up front where maybe I should of went with a smaller one.

MR. SCHEIBLE: The only reason I wanted to look at that, Greg, was I could see upwards of ten tenants occupying this building, that's the way it looks to me, that looks like what the goal is, right, to have ten tenants occupy the building?

MR. SHAW: The building is 20 feet long.

MR. SCHEIBLE: Because you have partitions and looks like there's ten separate spaces to be occupied.

MR. SHAW: Let me ask Anthony you developed this plan and you had more contact with the development of the floor plan than myself, did they anticipate ten suites?

MR. COPPOLA: To be perfectly honest, the way John will look at it is what is the minimum space that's affordable and also there's, and the consideration of spacing of the steel, this is a structural steel building, so the columns will be, your structured bays will be 20 feet on center. Now, this 20 feet can be 25, it could be 30 or 50, but this is a concept to start with. Once your building is sprinklered like this there's no fire separations so it's very easy.

MR. ARGENIO: What's the answer to the question?

MR. COPPOLA: This is probably the minimum size you're going to have, I don't think you're going to have a size smaller than this.

MR. SHAW: What he's saying more than likely there will not be ten suites 20 feet wide, there will be different configurations.

MR. SCHEIBLE: We're talking about strictly storage, it's, we're not talking about going back to when they say retail office warehouse, will there be a possibility of a retail unit in between all this and/or an office space in between all these? Just curious.

MR. COPPOLA: In the front I think you're going to have a mixed bag, you're going to have, you could have a spot where there's like Greg said an electrical contractor who has an office next to him, could be someone selling hardwood flooring and he's got a small retail area.

MR. ARGENIO: He might have the hardwood floor stored in the back.

MR. COPPOLA: So there could be a retail use next to an office use, yes, but the back is pretty much all dedicated to the storage of what you're seeing in the front.

MR. ARGENIO: That's an awful expensive piece of property for that use that you're proposing.

MR. COPPOLA: Like Greg said, this is definitely the "B" building. The "A" building is the front building, going to get the higher rents there, it's more visible, it's nicer, this will be the "B" building.

MR. ARGENIO: Anything else relative to this plan? I think I've covered everything procedurally, excuse me, my two guys having a meeting on my right, anything else?

MR. EDSALL: We're just commenting, Mr. Chairman, that the type of use that fits very well is like your Granger type small store front where they pick up supplies, an electrical supply house.

MR. SHAW: Sherwood Tile.

MR. EDSALL: Small retail type.

MR. ARGENIO: Mike the carpet guy, Spar Floor.

MR. EDSALL: That's the demand and that's going to fit nicely with that.

MR. ARGENIO: I'd like to keep this moving. If anybody sees fit, I will accept a motion for final approval subject to maintenance bond and that the fees be paid prior to a stamping.

MR. SCHLESINGER: Make a motion for final approval for North Plank Development Corporation subject to.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval to North Plank Development site plan on Temple Hill Road. No further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

UNITED_RENTALS,_INC._ (07-27)

MR. ARGENIO: United Rentals.

Mr. Gregory Shaw of Shaw Engineering appeared before the board for this proposal.

MR. ARGENIO: We have an application which proposes new building for use for service of the rental equipment and wash bay. The plan was reviewed on a concept basis only. Show us what you want to do, Mr. Shaw.

MR. SHAW: I want to be referred out to the Orange County Department of Planning, that's about all the action that the board can take tonight, maybe take care of lead agency. But what we're proposing is to install a 4,860 square foot building for United Rentals immediately north of the existing building and that building would be used 200 square feet would be used for office, 450 square feet would be used for parts room and the balance which is maybe about 41, 4,200 square feet, 4,200 square feet would be for four service bays and one wash bay for the equipment that United Rentals rents out. So we're not creating an additional demand and an additional use, just trying to generate a building which they can service their equipment in a better fashion than what they're doing now. There will be no new additional macadam surfaces that will be generated, in fact, if anything we'll be removing macadam in order to create the impervious surface of the building itself. So from that point of view, it's pretty much--

MR. ARGENIO: It's a repair place and parts.

MR. SHAW: It's going to be four service bays one wash bay.

MR. ARGENIO: You're going to show us appropriate separators and such for the wash bay?

MR. SHAW: Yes.

MR. ARGENIO: Is that going to go into a leaching system?

MR. SHAW: That's going to go into the town sanitary system similar to the existing buildings that are on the site.

MR. ARGENIO: Where is sanitary on a 32?

MR. SHAW: If you look at drawing 2 or drawing 3 you'll see a utility plan and that should have the piping on it. Here's your existing wash bay and here's your existing separator, new building.

MR. ARGENIO: Do they do repairs for outside people?

MR. SHAW: No, this is just the equipment that they rent.

MR. ARGENIO: Okay.

MR. SHAW: To the best of my knowledge.

MR. ARGENIO: I'll accept a motion we circulate lead agency coordination letter for this.

MR. SCHLESINGER: Make motion that we circulate lead agency coordination letter for United Rentals.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board issue lead agency coordination letter.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What do you guys think about the public hearing? Can we discuss that a little bit? We have a big mountain of rock in the back, we have the church to the south and I don't know what's to the right. There's a house somewhere.

MR. SCHLESINGER: I don't think so.

MR. ARGENIO: I don't think so either.

MR. BROWN: No, I don't think so.

MR. ARGENIO: Dan, any thoughts?

MR. GALLAGHER: I don't think we need one.

MR. ARGENIO: Accept a motion we waive that.

MR. SCHLESINGER: Make a motion we waive the public hearing.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded. I'll have a roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: If anybody has any questions, certainly ask the questions but we're certainly going to see this two more times. Is there a requirement for sidewalks, Greg, or just for the employees?

MR. SHAW: Sidewalks?

MR. ARGENIO: In front and around the building, is that something you need or is this bay doors where you're going to be moving equipment in and out of and you don't need sidewalks, you're going to pave right to the building?

MR. SHAW: We're going to have overhead doors on the east side and also on the west side, okay, the only parking spaces that we have are the five spaces which are on the north side of the building similar to when this board approved the existing building we had parking spaces on the north side and very simply we're just relocating them over to the north side.

MR. ARGENIO: No variance is needed?

MR. SHAW: No.

MR. ARGENIO: It would seem to me your coverage is not an issue.

MR. SHAW: No.

MR. ARGENIO: Anything else I'm missing?

MR. EDSALL: Basically taking a paved area and putting a building in to do maintenance of their own equipment. The one comment that I put on was the note about just indicating that it's as with the rear building intended for the same use so it doesn't, it's not like a rental use for another business to come in.

MR. ARGENIO: Get with Myra, get the referral to

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county, I think that's it. Thank you for coming in.

MR. SHAW: Thank you.

BLUE_RHINO/FERRELL_GAS_SITE_PLAN_(07-26)

Mr. James Raab appeared before the board for this proposal.

MR. ARGENIO: Blue Rhino application proposes the change in use of the subject property to develop a propane distribution facility. The plan was previously reviewed at the 12 September, 2007 planning board meeting. This was the meeting that nobody attended. I think it was Rosh Hashanah, Neil, is that right?

MR. SCHLESINGER: That's correct.

MR. ARGENIO: This is across the street from me, if anybody doesn't know where it is. You're on Ruscitti Road there. I'm the neighbor that will not affect my ability to be objective and I will discuss it and I will vote on it.

MR. SCHEIBLE: Well, they're presently there right now.

MR. ARGENIO: The building is presently there.

MR. RAAB: They're operating only at a very limited capacity, that's all they're doing.

MR. ARGENIO: Yonkers Contracting is to the south, Tilcon is directly to the north and Argenio Brothers is right there and the railroad tracks are on one side. Go ahead, sir, tell us what you want to do.

MR. RAAB: I'm Jim Raab from Doce Associates here to represent Blue Rhino.

MR. ARGENIO: I unlike the other members have seen this already because I was at the meeting so for the benefit of the other members.

MR. RAAB: Former New England Motor Freight still owned

by New England Motor Freight and they have leased this to Blue Rhino which is, they're a division of Ferrell Gas and they propose to store approximately between 12 and 16,000 grill type cylinders 20 pound cylinders on site. Through a series of meetings with the town engineer and also the fire inspector's office, we came up with a plan where they would be cordoned off by Jersey barriers, facility storage areas are in the blue, has this, the existing building here, all the cylinders will be stored outside, the propane gas cylinders inside, there will be CO2 storage in the cages that they're displayed in at the gas stations and other retail locations they have throughout the county. We plan on coming in here and going around the site counterclockwise, the traffic will go, the barriers will be right up against the storage area here, we have nine difference locations for fire extinguishers as required by the fire inspector also 20 of these signs, danger, propane, no smoking and no trespassing all the way around the perimeter in 20 locations, again all of that is based on our meetings with the fire inspector's office.

MR. SCHLESINGER: Just so I get an idea of concept here, this is like a distribution center?

MR. RAAB: Yes but there will be no filling of tanks.

MR. SCHLESINGER: No, I understand, you bring back empties and send out?

MR. RAAB: In fact, at their peak time, there will be 12,000 cylinders on site, six of them will be empty, six will be full, always want to have about half and half.

MR. SCHLESINGER: And your trucks deliver this to like gas stations and maybe Home Depot?

MR. RAAB: Beverage style trucks deliver it, tractor

trailers drop 'em here.

MR. SCHLESINGER: And your trucks are kept on site?

MR. RAAB: Yes, 2 though 4 depending on the season, 2 to 4 beverage, sometimes single axles, sometimes a trailer pull type beverage type truck that will pull, that will deliver the tanks.

MR. SCHLESINGER: Absolutely no retail?

MR. RAAB: No retail trade at all at this time.

MR. SCHLESINGER: CO2 and displaced storage.

MR. RAAB: There's CO2 cylinders which can be stored inside.

MR. SCHLESINGER: What's the CO2 for?

MR. RAAB: That's a good question. They distribute it, I had a representative with me the last time, he's not here with me.

MR. SCHLESINGER: CO2 is for the food industry is becoming antiquated.

MR. RAAB: But they're still distributing them, they still distribute them from this site, they don't expect a lot of them, most of the storage inside is for the cages at the gas stations and markets.

MR. SCHLESINGER: Display things like a sales?

MR. RAAB: And signs and stuff like that.

MR. SCHEIBLE: At any one time how many units could be on site say especially during the summertime busy season?

MR. RAAB: They had anticipated 12, we have storage area for 16,000, they had anticipated 12,000, I have given the storage area 16,000 in case they expect the business to boom up here, they think it's a great location, it will probably end up purchasing this from New England Motor Freight that's a much better location than they ever anticipated, that's why Blue Rhino took it over from Ferrell.

MR. SCHEIBLE: Where do they, just out of curiosity, where are they bringing the units in from?

MR. RAAB: Jersey, northern Delaware.

MR. SCHEIBLE: Then they take them back there and have them retail it?

MR. RAAB: That's right.

MR. ARGENIO: One of the things I asked at the last meeting was I was always curious what happens if somebody shoots a gun at the tank and if you see that see that letter there that's the genesis of that letter was because I asked that question and I was assured by the representative of Blue Rhino who drove in from Oklahoma as he pointed out to us that if you shoot one of these tanks with a gun it does not explode. And one of the other things that I probed quite thoroughly at the last meeting you guys will see it in the minutes was the response from the fire inspector, I think it's really important to have the fire inspector on board for something like this because it's propane, just as certain if it was a gasoline storage area as far as location I think if there was an applicant coming to the Town of New Windsor Planning Board that wanted to locate a propane facility in New Windsor, I don't think you could find a better spot. You have a vacant lot owned by Yonkers Contracting to the south, you have woods, railroad tracks and a building in the front which is your greatest amount of exposure. You have

Tilcon on the other side which would be the north side who stores aggregates in their lot and you have A & R Concrete Products and a vacant lot to the east, so I don't think you could get a better location in my opinion.

MR. SCHEIBLE: I totally agree with you on that point. I have no problem with the location, definitely not.

MR. ARGENIO: Let's move forward. Does anybody, if anybody feels fit I'll accept a motion to declare lead agency.

MR. SCHLESINGER: Lead agency so moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare itself lead agency for Blue Rhino site plan on Ruscitti Road. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Neil, public hearing?

MR. SCHLESINGER: It's a dangerous flammable thing, I think people who have some extra concerns about it I think we owe it to the neighbors.

MR. BROWN: What's the nearest neighbor?

MR. SCHEIBLE: Argenio.

MR. ARGENIO: Yonkers is a vacant lot, Tilcon they store stone, they store aggregates, there's no residential, A & R Concrete stores catch basins, I'm next to Tilcon, I don't know, I certainly--

MR. SCHEIBLE: God forbid something should happen down the road ten years from now, how come there wasn't one?

MR. SCHLESINGER: It's a vacant lot now, may not be a vacant lot next week.

MR. SCHEIBLE: I would say yes public hearing.

MR. BROWN: Okay, it's an iffy thing.

MR. GALLAGHER: I'm in favor of having one, again, just for the nature of the business.

MR. SCHEIBLE: So nobody can holler.

MR. GALLAGHER: I don't think we'll have too many people showing up, that's my opinion.

MR. ARGENIO: That's what we're going to do then. That's what we have to do, we have, we're a board and I'm certainly not autonomous up here, I gave you my opinion but I'm certainly not autonomous.

MR. SCHEIBLE: Your busy season isn't going to start next year?

MR. RAAB: If this was June maybe it would be a different story but--

MR. ARGENIO: Motion we schedule a public hearing.

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule a public hearing for the Blue Rhino. Roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	NO

MR. BROWN: Just one question in reference to a bullet what about if one of those tanks should go off how would it affect the other tanks?

MR. RAAB: Well, see, again, I'm not a propane expert but I believe what--

MR. ARGENIO: Let me interrupt you, you know what, rather than do a dance, you have to come back again for the public hearing which I promise you if you can get with Myra and get your act together I'll get you on the next agenda, why don't you contact somebody who does know the answer to Howard's question, have them write us a little note.

MR. RAAB: If you've got any other questions, submit them to Myra, I'll be glad to have answers.

MR. CORDISCO: If I may, I believe that specific issue was addressed in this last submission because they talk about the fact that there is a fire safety valve so that even if there's an ignition in the very slim chance that there is an ignition of one tank that the fire safety valves on the other tanks prevent any explosion from occurring.

MR. ARGENIO: Where are you reading from?

MR. CORDISCO: This was in the Blue Rhino submission September 20.

MR. EDSALL: The new letter that just came in.

MR. ARGENIO: Does Howard have a copy?

MS. MASON: Everybody does.

MR. ARGENIO: Howard, take a look at that, see if that answers your question.

MR. CORDISCO: Small arms fire is unlikely to penetrate a propane cylinder. If penetration by a projectile occurs, it's unlikely that a mere penetration into a 20 number 2 grill system will cause a fire, if fire were to ignite, the pressure safety release systems on the cylinders prevents an explosion. That's what the company had to say.

MR. ARGENIO: I don't know what else we can do for you. Thank you for your time, see what we can do.

MR. RAAB: I'll get together with Myra.

MS. MASON: Bring me a check for \$25 tomorrow.

RUTHIE'S_SOUL_RESTAURANT_SITE_PLAN_(07-26)

Mr. Jerry Fine appeared before the board for this proposal.

MR. ARGENIO: The application proposes a restaurant and catering operation at the existing building on New York State Route 32. The plan was reviewed on a concept basis only. Are you kidding me with this, Mark, what are we doing here?

MR. EDSALL: No, there's, I wanted to have the board have an opportunity to look at the conceptual layout.

MR. ARGENIO: There's six pages of comments here.

MR. EDSALL: There is a lot of work to be done on the plans.

MR. ARGENIO: Why is he on the agenda?

MR. EDSALL: Because they wanted to come in to get conceptual feedback from the board on layout.

MR. ARGENIO: We can't review this, I mean, this is ridiculous.

MR. SCHLESINGER: Mark, where is this building?

MR. ARGENIO: Across the street from me right on 32 next to the Yamaha dealership right next to the pump station.

MR. EDSALL: The little store front mini-mall that's right opposite Devitt's.

MR. SCHLESINGER: That was supposed to be something else.

MR. ARGENIO: I can share, not that it's incredibly

relevant, Rodd Tahino (phonetic) was going to go in there, a urologist a couple years ago, and I think they either got approval real close to having approval and when he started to get final numbers on the build-out it broke the bank. Sir?

MR. FINE: My name is Jerry Fine.

MR. ARGENIO: I don't want to insult you but this is too much, there's going to be way too many changes on this plan, I don't want to take up the board's time when we're this early. Did you have a workshop with Mark?

MR. FINE: We had a workshop but I haven't seen those comments.

MR. ARGENIO: Mark, why hasn't he seen the comments?

MR. EDSALL: Cause this is his appearance as with everybody the comments are brought in and distributed.

MR. ARGENIO: I have five pages of comments. Here's what I want to do in the interest of being fair to you folks, take 30 seconds and give us a rundown on what you want to do but I don't want to get into a plan review because there's going to be way too many changes to what you're doing there. I'm sorry, give us a two minute rundown on what you want to do and I don't even want to get into these comments. Sir, what's your name?

MR. JOHNSON: Floyd Johnson.

MR. FINE: Floyd Johnson is the applicant and I'm the engineer.

MR. ARGENIO: Tell us what you want to do, Mr. Johnson or Mr. Fine, please.

MR. FINE: We're in Zone C, we are proposing a use that's allowed in Zone C, I don't see any, unless they're in these comments, I don't see that we would be going to the ZBA, you know, we'd be coming in by right, it's a restaurant, we'll have 273 seats, we meet the--

MR. ARGENIO: How many seats?

MR. FINE: It's 273.

MR. ARGENIO: Two hundred seventy-three?

MR. EDSALL: That's what they're proposing.

MR. ARGENIO: Go ahead, I don't want to get into it.

MR. SCHLESINGER: So how many square feet?

MR. FINE: It's 8,000 square feet.

MR. ARGENIO: Continue please.

MR. FINE: We meet the requirements of the bulk table, we have provided adequate parking, we have pretty much the landscaping in hand, we're doing drainage in accordance with the DEC standards, we have municipal water and sewer in the street which we'll connect to and it's an existing building, we consider it to be an adaptive reuse of that building for this purpose.

MR. ARGENIO: Are you going to dress the facade up?

MR. FINE: Yes indeed.

MR. ARGENIO: Cause it looks like hell to be frank with you.

MR. FINE: And so as I say not to be repetitious we haven't seen these comments, we will respond to them but as far as I can tell we're doing the right thing in

the right place in the right zone.

MR. ARGENIO: You're probably right, it's a busy corridor so, I mean, we want it to be right. All right, okay, do me a favor please, go through the comments, just too much here for us to do a plan review because there's, it's too much, we need to get it narrowed down. Mark, you'll meet, you guys will meet at the workshop?

MR. EDSALL: Two very important issues that they need to deal with. First is one I know you commented that your belief is that you meet the zoning regulations, just make sure that you don't go over the 85 percent. I believe it's over 85 percent developmental coverage so you need to find that out right away. And the second issue as always unfortunately with the new storm water regulations we need the SWPPP as soon as possible.

MR. ARGENIO: How big is the lot?

MR. EDSALL: It's 73,000 square feet. So that's a real critical issue.

MR. ARGENIO: Just over the threshold.

MR. EDSALL: One acre is the threshold and as you have seen a lot of times the tail wags the dog as it may be, the storm water affects the development.

MR. ARGENIO: Take care of the comments, meet with Mark, get in a workshop and certainly we'll put you on the agenda and we'll move forward.

MR. FINE: Thank you.

LOMBARDI/VINCENZO_SUBDIVISION_(07-02)

Mr. Frank Lombardi appeared before the board for this proposal.

MR. ARGENIO: Lombardi/Vincenzo subdivision. Your name for the record?

MR. LOMBARDI: Frank Lombardi, 361 Oak Drive, New Windsor.

MR. ARGENIO: Tell us what you want to do.

MR. LOMBARDI: We have one lot with two single family residences, we're just trying to subdivide it, make two single lots with one house on each lot.

MR. ARGENIO: You went to the Zoning Board, you got your variances?

MR. LOMBARDI: Yes.

MR. ARGENIO: You're in Ducktown, yes?

MR. LOMBARDI: Yes.

MR. ARGENIO: What are you doing here, looks like there's two houses on one lot.

MR. LOMBARDI: That's what I said.

MR. ARGENIO: I'm supposed to talk.

MR. LOMBARDI: Two single family residences on one lot.

MR. ARGENIO: Do you have a setback issue here with the one story wood frame building, is it over the property line?

MR. LOMBARDI: Which one?

MR. ARGENIO: This one.

MR. LOMBARDI: It's out in the street.

MR. ARGENIO: What's that all about?

MR. LOMBARDI: 1903 that's how they did that.

MR. EDSALL: The zoning board granted all variances they could and it's an existing encroachment.

MR. ARGENIO: You're probably going to sell one of these, are selling something here? I would imagine you're trying to straighten it up.

MR. LOMBARDI: Right, it was termite infested and in disrepair, we repaired it and put an extension on it.

MR. SCHEIBLE: Talking about down here?

MR. LOMBARDI: No, talking about this, if you see this little box to the rear was the original building and we added on where the says Cape Cod and we, the whole entire thing is new so now it's a three bedroom cape.

MR. ARGENIO: Can anybody speak to the presence or the attendance at the public hearing for the zoning board? Can you, sir? Was there people at the public hearing for the zoning board?

MR. LOMBARDI: Yes.

MR. EDSALL: I wasn't there.

MR. ARGENIO: What did they have to say?

MR. LOMBARDI: There was no negative comments, just some concerns. One lady said it's a beautiful house, I'm glad you finally did something with the lot, it's

overgrown for years.

MR. SCHLESINGER: What was the concern?

MR. LOMBARDI: No negative concerns.

MR. ARGENIO: What were the concerns?

MR. LOMBARDI: That are they going to be both rented. I said well, if they're split, there will be homeowners owning each, if they're not split, we have no choice but to rent them.

MR. SCHLESINGER: It's your option.

MR. LOMBARDI: That's what she said, are there going to be tenants.

MR. SCHLESINGER: You own it, you can live it in or you can rent it.

MR. LOMBARDI: She thinks that homeowners owning separate lots are better.

MR. SCHLESINGER: I understand.

MR. LOMBARDI: She said you're splitting it, that's a good thing because now there are going to be homeowners, she wasn't against it, what happens if you don't split it, well then they're going to be rentals.

MR. ARGENIO: Is there something else? I don't know about, I wish Mike were here.

MR. EDSALL: Even if anyone has a concern from a physical standpoint there's no physical change occurring. All you're doing is drawing a fictitious line, it's an ownership issue.

MR. LOMBARDI: Original Ducktown subdivision, this was

four lots, we just took one of the original lot lines and we just called this center, we didn't change even from the original lot line.

MR. ARGENIO: Who's got questions about this, anybody? I'll accept a motion for a negative dec.

MR. SCHLESINGER: I don't think there's a need for it.

MR. CORDISCO: You're referring to a public hearing?

MR. SCHLESINGER: Public hearing, I know negative dec.

MR. CORDISCO: You would need to do that.

MR. SCHLESINGER: So moved negative dec.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec for the Lombardi/Vincenzo subdivision. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Public hearing, anybody?

MR. GALLAGHER: I don't see the need.

MR. ARGENIO: Motion we waive it.

MR. SCHLESINGER: Sure.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board waive the public hearing for this application. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Anything else? Motion for final?

MR. SCHLESINGER: Make a motion for final approval lot line of Lombardi/Vincezo.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board over final approval for Lombardi/Vincenzo subdivision in Ducktown. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

DISCUSSION:

REFERRALS_FROM_TOWN_BOARD_-_SENIOR_HOUSING_PROJECTS

MR. EDSALL: You've got a resubmittal on Knox for the senior, so I suggest that you not make a recommendation back to the Town Board until you have a chance to look at that corrected information.

MR. SCHLESINGER: That's this information?

MR. EDSALL: Yes, Stevens Woods or Vesley Estates is, Stevens Woods had an incomplete application so you're not going to get that right away and we just received a third application submittal, right?

MS. MASON: Yes.

MR. EDSALL: So that Windsor Ridge had an incomplete application so hopefully they'll get things complete and get them out to you.

RUTHIE'S_SOUL_RESTAURANT_(CONTINUED)

MR. ARGENIO: Mark, do me a favor please, I don't want to do that again, that Ruthie's thing six pages of comments, are you kidding me?

MR. EDSALL: Mr. Chairman, sometimes they don't like hearing it from me that the plans aren't complete.

MR. ARGENIO: So you told them?

MR. EDSALL: I told them that they needed a lot of work and they wanted to come in.

MR. ARGENIO: And wanted to be on the agenda anyway.

MR. EDSALL: Yes.

MR. ARGENIO: Motion to adjourn?

MR. SCHLESINGER: So moved.

MR. BROWN: Second it.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer